UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.154/275
9 November 1994

ORIGINAL: ENGLISH

COMMITTEE ON RELATIONS WITH
THE HOST COUNTRY

LETTER DATED 9 NOVEMBER 1994 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

I have the honour kindly to request the circulation of the present letter and its annexes as an official document of the Committee on Relations with the Host Country.

(Signed) Bruno RODRIGUEZ PARRILLA

94-43998 (E) 091194 101194

/...

ANNEX I

Note verbale dated 30 August 1994 from the Permanent Mission of Cuba to the United Nations addressed to the Permanent Mission of the United States of America to the United Nations

The Permanent Mission of Cuba to the United Nations presents its compliments to the Permanent Mission of the United States of America to the United Nations and wishes to refer to extremely serious incidents that took place at the entrance and in the vicinity of the Permanent Mission of Cuba to the United Nations at approximately midday today, 30 August 1994.

Approximately at the said time, a number of persons belonging to a terrorist group, the so-called "30 of November", made up of citizens of Cuban origin, attempted to storm the Permanent Mission of Cuba to the United Nations and, not being able to do so, chained and padlocked the entrance to the Permanent Mission of Cuba to the United Nations, thus preventing entry and exit of persons to the premises of the Mission. At the same time, they surrounded the Permanent Mission of Cuba to the United Nations and started kicking at the glass doors of the entrance of the building occupied by the Mission at 315 Lexington Avenue.

The police officer on guard at the corner of 38th Street and Lexington Avenue did not take any action to prevent those developments from taking place.

In view of the situation, several diplomatic officials of the Permanent Mission of Cuba to the United Nations exited through a garage door on 38th Street in order to assess what was happening and were immediately attacked by the demonstrators.

At that point, a number of police officers arrived in the area, cordoning it, and, astoundingly enough, tried to prevent the Cuban diplomatic officials from defending themselves, and even, on occasion, holding them while they were being beaten by the so-called demonstrators.

At the same time, said police officers were, in most cases, insulting, provoking and even beating the officials from the Permanent Mission of Cuba who were defending themselves and defending the premises of the Mission.

Some Cuban Mission personnel, in the face of the slowness and passivity of the police, were forced to resort to working instruments in order to cut off the chain which prevented the entry to or exit from the Mission building to diplomats and visitors.

Even more amazingly, as things subsided, four Cuban officials were arrested. These were Mr. Edmundo Suárez, Mr. Fernando García, Mr. Jesús Milián and Mr. Saúl Hermida. Even Mr. Edmundo Suárez, Counsellor at the Permanent Mission of Cuba to the United Nations, was arrested for protesting the forcible restraint and beating of a Cuban official by police officers of the New York Police Department.

For approximately two hours, our diplomats were not only illegally arrested, but also mistreated and humiliated by the police, which hurled insults against them, threatened them and even performed obscene acts against them, all of which is a violation of the diplomatic immunity that the Police Department of the City of New York is supposed to protect and respect, considering New York City's position as host to foreign diplomatic missions.

The Permanent Mission of Cuba, while lodging strong protest before the Permanent Mission of the United States of America to the United Nations, wishes to remind the relevant authorities that the protection of diplomatic premises is the duty and obligation of the Government of the United States of America in its capacity as host of the United Nations. The duty of police officers must be that of preventing diplomats and Permanent Missions from being attacked by whatever means, not that of being the ones to attack, insult and provoke diplomatic officials.

The Permanent Mission of Cuba to the United Nations wonders if this violent act against the Cuban Mission is a deliberate attempt by certain persons or organizations to disrupt conversations to be held in New York by the Governments of Cuba and the United States of America next Thursday, 2 September, and also wonders if actions by certain police officers present on the scene are a demonstration of connivance between those officers and the said persons or organizations.

The Permanent Mission of Cuba, while strongly protesting once again against the illegal detention of four of its diplomatic officials and their brutalization by police officers of the New York Police Department, wishes to reiterate to the Permanent Mission of the United States of America to the United Nations that any and all consequences that may arise from the repetition of incidents such as these, are the sole responsibility of the Government of the United States and its lack of compliance with the duties and responsibilities it entered into as host of the United Nations.

ANNEX II

Note verbale dated 6 September 1994 from the Permanent Mission of Cuba to the United Nations to the Permanent Mission of the United States of America to the United Nations

The Permanent Mission of Cuba to the United Nations presents its compliments to the Permanent Mission of the United States of America to the United Nations and wishes, once again, to lodge its strongest protest before the Permanent Mission of the United States of America to the United Nations regarding new incidents that occurred in the vicinity of the Permanent Mission of Cuba to the United Nations on 5 September 1994.

Immediately after a new demonstration held by terrorist elements of Cuban origin during the afternoon of Monday, 5 September 1994, a group of them remained in the vicinity and faced the Permanent Mission of Cuba to the United Nations in a provocative and aggressive stance. Those persons not only insulted and threatened the officials of the Permanent Mission of Cuba leaving the building, but also threw objects at them and at the premises of the Permanent Mission of Cuba, including a bottle that entered the garage of the Mission, and another bottle hurled at the Head of the Cuban Interests Section in Washington, D.C., now visiting New York, while he entered the premises of the Permanent Mission of Cuba to the United Nations.

An official of the Permanent Mission of Cuba to the United Nations, Second Secretary Juan Antonio Fernández Palacios, was also threatened with physical violence as he left the premises of the Mission, of which the perpetrators of the threat even boasted in a television interview with Channel 47 "Telemundo" that they simultaneously were holding in front of the Cuban Permanent Mission.

The officers of the New York Police Department on duty in the surroundings of the Mission who witnessed this aggressive and provocative attitude, and to whom officials of the Mission protested regarding the very irregular and dangerous situation that was evolving, instead of immediately disbanding those persons, tried to prevent Cuban officials from leaving the premises of the Permanent Mission of Cuba to the United Nations arguing that their safety was at risk, thus failing once again to carry out their duty of protecting not only the integrity of a Permanent Mission to the United Nations and its personnel, but also of contributing to the normal development of its functions.

The Permanent Mission of Cuba to the United Nations wishes to remind the Permanent Mission of the United States of America to the United Nations once again that the Government of the United States, both at the federal and local levels, is obligated by the Host Country Agreement subscribed with the United Nations effectively to ensure that Permanent Missions of Member States of the United Nations can carry out their functions and duties without any hindrance whatsoever, and that their personnel are able to work in a safe environment.

The reiteration of incidents of this nature, of which the Permanent Mission of the United States of America to the United Nations has been duly informed, tends to confirm the much-advanced notion among a number of Permanent Missions

to the United Nations that the Organization would be better served if an increasing number of its bodies would be based elsewhere.

The Permanent Mission of Cuba to the United Nations wishes to call the attention once again of the Permanent Mission of the United States of America to tne United Nations to the fact that any consequences that may derive from the repetition of incidents such as these will be the sole responsibility of the Government of the United States of America, owing to its lack of compliance with its obligations as host country of the United Nations Headquarters.